

### REMARKS

The Examiner is asked to consider this Preliminary Amendment when the application is examined.

In the last Office Action, the drawings were objected to for various reasons. In response, Figure 2 has been amended with the Examiner's comments in mind, and enclosed is a copy of the applicable drawing figures for approval by the Examiner. Specifically, the reference numeral "12" in Figure 2 has been changed to the correct numeral "14," and the "V-shaped" notch has been removed.

Claims 5-22 and 24-26 were objected to on the basis of their multiple dependency. By this amendment, each of those claims have either been deleted or amended and thus the remaining claims from that group are believed to be in proper form.

Claims 2-4 were rejected under 35 U.S.C. §112 (second paragraph) as being indefinite for various reasons. By this Amendment, these claims have been deleted or amended. It is now believed that the subject matter of the claims is in proper form and that the §112 rejection has been overcome.

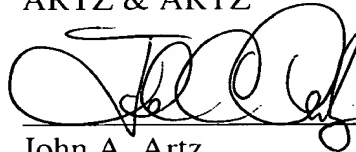
On the merits, claims 1-4 and 23 were rejected under 35 U.S.C. §102(b) as being anticipated by either the Eisenhower patent (U.S. No. 4,572,035) or the Poling patent (U.S. No. 4,713,990). By this Amendment, these claims have either been amended or deleted from the case. More specifically, the new independent claim 27 has been amended to include the features contained in original dependent claims 16-18 and 20. Claim 27, which is the only independent claim remaining in the case, has been amended to claim a tool for aiding the removal of a fastening member, the tool having an elongated body with a "means for deforming an end face of the fastener member" on one end, as well as "means to cause rotation" of the fastening member to unscrew it from the structure. In addition, the tool contains a spring mounted mandrel, which is arranged to engage with the end face of the fastening member to accurately locate the end of the body member.

It is believed that none of the prior art references, particularly the Eisenhower and Poling references, disclose or suggest the inventive combination of features forming the subject matter of new claim 27. New claim 27 is believed to be novel and inventive over the art relied upon by the Examiner. In this regard, the claim is substantially the same as the claim which has been allowed in the corresponding European application.

In view of the foregoing, it is submitted that all of the newly added claims 27-36 are in proper form and patentably distinguish from the prior art. Accordingly, allowance of these claims and passage of the application to issuance are respectfully solicited.

Respectfully submitted,

ARTZ & ARTZ

A handwritten signature in black ink, appearing to read 'John A. Artz', is written over a horizontal line.

John A. Artz  
Registration No. 25,824  
28333 Telegraph Road  
Suite 250  
Southfield, Michigan 48034  
Phone: (248) 223-9500  
Fax: (248) 223-9522

Dated: June 20, 2003



Serial No: 09/868,449

6

APPL 0102 PUS

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

New claims 27-37 have been added.

-1/7-

